REMARKS

This Amendment is fully responsive to the non-final Office Action dated September 29, 2008, issued in connection with the above-identified application. Claims 1-15 are pending in the present application. With this Amendment, claims 1-15 have been amended. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

To facilitate the Examiner's reconsideration of the application, the Applicants have provided amendments to the specification and the abstract. The changes to the specification and the abstract include minor editorial and clarifying changes. Replacement paragraphs and a new abstract are enclosed. No new matter has been introduced by the changes made to the specification and the abstract.

In the Office Action, the abstract is objected to for being in excess of 150 words and using legal phraseology that is often found in the claims. As noted above, a new abstract has been provided. The new abstract is less than 150 words and does not include legal phraseology. Withdrawal of the objection to the abstract is respectfully requested.

In Office Action, claims 1-15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al. (U.S. Publication No. 2007/0124251, hereafter "Shimizu") in view of Kitahara et al. (U.S. Publication No. 2007/0094736, hereafter "Kitahara").

The Applicants have amended independent claims 1, 5 and 9-15 to help further distinguish the present invention from the cited prior art.

For example, claim 1 (as amended) recites the following features:

"[a] transmission apparatus comprising:

a second license obtainment unit configured to obtain second license data for a second content that is a content linked from a first content and a content to be stored in a content reproduction apparatus, the first content being a content to be distributed through streaming, the second license data showing a condition for permitting reproduction of the second content or showing permission for reproducing the second content;

a multiplexed data generation unit configured to generate multiplexed data by multiplexing the obtained second license data on a part of the first content; and

a transmission unit configured to transmit the generated multiplexed data to the content reproduction apparatus by streaming."

The features noted above in claim 1 are similarly recited in independent claims 9, 10, 12 and 14. Additionally, the features noted above are fully supported by the Applicants' disclosure (see e.g., pgs. 3-5 and Fig. 2).

The present invention, as recited in claims 1, 9, 10, 12 and 14, is distinguishable over the cited prior art in that a transmission apparatus comprises a second license obtainment unit that obtains second license data that shows a condition for permitting reproduction of the second content or shows permission for reproducing the second content. The first content is a content to be distributed through streaming. The second content is a content linked from a first content and a content to be stored in a content reproduction apparatus. Additionally, a multiplexed data generation unit generates multiplexed data by multiplexing the obtained second license data on a part of the first content; and a transmission unit transmits the generated multiplexed data to the content reproduction apparatus by streaming.

In other words, the present invention is characterized by multiplexing the second license data that shows a condition or permission from reproducing a second content on the first content to be distributed through streaming, and transmitting the multiplexed data to the content reproduction apparatus. The second content is a content to be stored in the content reproduction apparatus, and is linked from the first content to be distributed through streaming in real-time.

Even when the second content is stored in the content reproduction apparatus, the second content cannot be reproduced without being permitted to be reproduced according to the second license data. Thus, the transmission apparatus according to the present invention multiplexes the second license data on the first content and transmits the multiplexed data to the content reproduction apparatus. Therefore, the content reproduction apparatus can obtain the second license data from received part of the multiplexed data while receiving the first content.

Accordingly, an advantage provided by the present invention (as recited in independent claims 1, 9, 10, 12 and 14) is that the content reproduction apparatus can reproduce the second content by smoothly switching from the first content that is a streaming content.

Additionally, claim 5 (as amended) recites the following features:

"[a] content reproduction apparatus comprising:

a receiving unit configured to receive multiplexed data through streaming, the multiplexed data being generated by multiplexing second license data on part of the first content, the first content being a content to be distributed through streaming, the second license data showing a condition for permitting reproduction of a second content or showing permission for reproducing the second content;

a content storage unit configured to store the second content, the second content being a content linked from the first content and being a content to be stored in the content reproduction apparatus;

an extracting unit configured to extract part of the first content from received part of multiplexed data and try to extract the second license data from the received part of the multiplexed data; and

a reproduction unit configured to (i) perform streaming reproduction of the first content using the extracted part of the first content, and (ii) switch reproduction from the first content to the second content, when the second license data has been extracted from the received part of the multiplexed data and the reproduction of the second content is permitted according to the extracted second license data."

The features noted above in claim 5 are similarly recited in independent claims 9, 11, 13 and 15. Additionally, the features noted above are fully supported by the Applicants' disclosure (see e.g., pgs. 3-5 and Fig. 3).

The present invention, as recited in claims 5, 9, 11, 13 and 15, is distinguishable over the cited prior art in that a content reproduction apparatus (that is capable of switching reproduction of a content from a streaming content which is currently being reproduced to a storage content linked from the streaming content) comprises a receiving unit that receives multiplexed data through streaming, the multiplexed data being generated by multiplexing second license data on part of the first content, the second license data showing a condition for permitting reproduction of a second content or showing the permission for reproducing the second content (the first content is a content to be distributed through streaming); a content storage unit that stores the second content (the second content is a content linked from the first content and being a content

to be stored in the content reproduction apparatus); an extracting unit that extracts part of the first content from received part of the multiplexed data and tries to extract the second license data from the received part of the multiplexed data; and a reproduction unit that (i) performs streaming reproduction of the first content using the extracted part of the first content, and (ii) switches reproduction from the first content to the second content, when the second license data has been extracted from the received part of the multiplexed data and the reproduction of the second content is permitted according to the extracted second license data.

The content reproduction apparatus can receive the multiplexed data from the transmission apparatus through streaming, and obtain the second license data from received part of the multiplexed data. Accordingly, the present invention (as recited in claim 5, 9, 11, 13 and 15) also provides the advantage that the content reproduction apparatus can reproduce the second content by smoothly switching from the first content that is a content distributed through streaming.

In the Office Action the Examiner relies on Shimizu in view of Kitahara for disclosing or suggesting all the features recited in the above independent claims. However, the Applicants assert that the cited prior art fails to disclose or suggest all the features recited in the independent claims, as amended.

Shimizu discloses a recording device that can easily set detailed write-protect conditions for each content and each license according to a request from a user in a recording medium. The recording medium can record content and licenses including use conditions of the content recorded thereon. However, Shimizu appears only to disclose write-protect for content and a license in a recording medium. Shimizu fails to disclose or suggest a license distribution method for permitting reproduction of a streaming content or content read from a recording medium.

Kitahara discloses a license management method for permitting reproduction of content only when the content satisfies use conditions prescribed by a sublicense and a main license in a system. As described in Kitahara, a content server transmits to a user content added respectively with the sublicenses, and a license server transmits the main license to the user, wherein the main license prescribes use conditions of all the content distributed via a channel for which the user

has a contract.

However, Kitahara fails to disclose or suggest multiplexing sublicenses of other content linked from a content which is currently being reproduced on the content currently being reproduced, and transmitting the content. For example, in the case where a streaming content is a broadcast content (when a plurality of content reproduction apparatuses to which content are being distributed switches reproduction from the content to storage content linked from the broadcast content) switching may concurrently occur in the plurality of content reproduction apparatuses. Thus, access to a content server for obtaining content and access to a license server for obtaining each license of the content will surge.

On the other hand, since the transmission apparatus according to the present invention makes it possible to distribute a first content (which is a content to be distributed through streaming) on which a license of second content (which is a content to be stored) is multiplexed, increases in access to the license server for obtaining licenses can be suppressed, and the advantage of smoothly switching reproduction to storage content can be obtained.

As described above, the features and advantages of the transmission apparatus and reproduction apparatus of the present invention cannot be obtained by the combination of Kitahara and Shimizu. Thus, a person skilled in the art would not be able to arrive at the present invention from the combination of the cited references because of the significant differences between the present invention and the cited references noted above.

Accordingly, no combination of Kitahara and Shimizu would result in, or otherwise render obvious, in dependent claims 1, 5 and 9-15. Likewise, no combination of Kitahara and Shimizu would result in, or otherwise render obvious, claims 2-4 and 6-8 at least by virtue of their respective dependencies from claims 1 and 5.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue.

Respectfully submitted,

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